



United States Department of Justice

United States Attorney

District of New Jersey

Civil Division

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January 4, 2012

BY ECF & HAND

The Honorable William J. Martini
United States District Judge
District of New Jersey
Martin Luther King Jr. Federal Building & Courthouse
Newark, NJ 07102

Re: United States v. Jeremy Zielinsky
Criminal No. 04-786

Your Honor:

I am an Assistant United States Attorney in the Financial Litigation Unit (FLU), whose responsibilities include the collection of fines and restitution. On or about June 29, 2006, defendant Jeremy Zielinski was sentenced in the above-referenced criminal case and Ordered to pay a fine of \$1000 and a special assessment of \$100.¹ On or about April 22, 2010, this office submitted, pursuant to 18 U.S.C. § 3573, a petition for remission of the fine. This petition for remission of the fine was based solely on the mistaken belief that defendant Jeremy Zielinsky had been deported in July 2006. Our office was provided with a list of deported probationers, upon which we relied in submitting the petition for remission. It has come to our attention that defendant Zielinsky was mistakenly included on this list and that he was, in fact, never deported and remains a U.S. citizen. Defendant Zielinsky was clearly aware of this error, as he certainly knew that he was not, in fact, deported from the United States.

In light of this information regarding Mr. Zielinsky's status in the United States, we respectfully submit that there exists no valid basis for the petition for remission. As such, the United States respectfully requests that the Court reinstate the fine issued in the above-referenced case. A Proposed Order is submitted for the Court's consideration.

PAUL J. FISHMAN
United States Attorney

By: s/ Leah A. Bynon
LEAH A. BYNON
Assistant United States Attorney

¹ Interest has not accrued on this debt pursuant to 18 U.S.C. § 3612 (f)(1), as the fine is under \$2500.

cc: Mr. Jeremy Zielinsky (By FED-EX)
877 Highway 57
Amsterdam, NY 12010

***UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY***

UNITED STATES OF AMERICA

v.

JEREMY ZIELINSKY,

Defendant.

Criminal No. 04-786 (WJM)

ORDER

Upon consideration of the application of the United States of America for an Order reinstating the fine of \$1000 in the above referenced matter; and

Whereas the Court has considered the following facts, including the following:

1. On June 29, 2006, defendant Jeremy Zielinski was sentenced in the above-referenced criminal case and Ordered to pay a fine of \$1000;

2. On or about April 22, 2010, the United States submitted a petition for remission of the fine, pursuant to 18 U.S.C. §3573, based solely on the mistaken belief that defendant had been deported from the United States on July 18, 2006;

3. Whereas defendant Jeremy Zielinsky was, in fact, never deported from the United States and remains a United States citizen;

4. Whereas the United States submitted a filing setting forth such facts, stating that the petition for remission was based on erroneous information as to defendant's citizenship status, is therefore without a basis in fact to support the remission pursuant to 18 U.S.C. §3573, and seeking the reinstatement of the fine of \$1000;

5. Whereas the Court finds that the Order for remission of the fine was based upon the

mistaken information that defendant Jeremy Zielinsky was deported when in fact he remains a United States citizen;

6. Whereas the Court finds that the Order for remission of the fine is therefore invalid, as the basis for the remission never existed;

For good cause shown, it is on this day of , 2012

Ordered that the Order for remission of the fine in the above referenced matter is hereby RESCINDED; and that the fine of \$1000 is REINSTATED. Defendant shall be credited with any payments made to date.

WILLIAM J. MARTINI
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT